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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/661,534	09/15/2003	Mutsumi Katayama	031115	8027
38834 7590 04/17/2008 WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP 1250 CONNECTICUT AVENUE, NW SUITE 700 WASHINGTON, DC 20036				
EXAMINER				
FAULK, DEVONA E				
ART UNIT		PAPER NUMBER		
2615				
MAIL DATE		DELIVERY MODE		
04/17/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/661,534

Applicant(s)

KATAYAMA ET AL.

Examiner

DEVONA E. FAULK

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5 is/are rejected.
- 7) ☒ Claim(s) 4 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on _____ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 1/7/2008 have been fully considered but they are not persuasive. Regarding claim 1, the applicant asserts that prior art Hermann does not disclose that an adjusting that an adjusting means adjust the Dvol on a higher priority than the Doffset. The examiner disagrees. Herman discloses "In one preferred embodiment of the invention, default gain values in the sound level calibration table can be modified according to user preference. Thus, an individual user can modify the target difference by which high priority messages are heard over the ambient noise level. This may be accomplished by allowing the user to reset one predetermined gain value at one particular ambient noise level and then adjusting the remainder of the sound level calibration table to maintain the new target difference. The user would initiate a customization routine within the audio system by selecting a special procedure from a menu using the system control panel, for example. During this special routine, the average ambient noise level is measured during an averaging window as shown by step 40 in FIG. 6. After the average ambient noise level is determined, sample messages are played and the user sets a desired volume level for the sample messages in step 41. In step 42, a new priority gain value is stored in the sound level calibration table corresponding to the measured ambient noise level. The other default gain values are adjusted in step 43 to provide corresponding modification in sound level." This reads on the priority language, column 3, lines 38-57. The examiner is maintaining the rejection.

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2. Applicant's arguments, filed 1/7/2008, with respect to the 112 rejection and the claim objection of claim 5 have been fully considered and are persuasive. The 112 rejection of claims 1-5 and the claim objection of claim 5 have been withdrawn.
3. In response to applicant's argument that modifying Tonella to incorporate the features discussed in Herman would not result in the claim invention, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).
4. Claims 6-11 are withdrawn from consideration.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tonella (US 5,883,963) in view of Hermann (US 6,360,187).

Regarding claim 1, Tonella discloses an electronic volume device remotely controlled by a remote controller (Figure 1), the electronic volume device comprising:

means for receiving an i -th common volume level $Dcom[i]$ ($i=1$ to N) on a common scale of N steps (volume inputted with input 150, Figure 1; column 3, lines 5-9);

means for converting received $Dcom[i]$ into a j -th unique volume level $Dvol[j]$ on a unique scale of M steps ($M < N$) (volume device, 130; Figure 1; column 3, lines 27-30);
and

means for controlling an attenuation factor based on the $Dvol[j]$, wherein the converting means includes (microprocessor 140, Figure 1; column 3, lines 40-64);

means for storing an offset value $Doff$ set between the $Dcom[i]$ and the $Dvol[j]$ (memory 145; column 4, lines 38-43) ; and

means for adjusting at least one of the $Dvol[j]$ and the $Doffset$ such that the received $Dcom[i]$ agrees with a sum of the $Dvol[j]$ and the $Doffset$ (microprocessor; 140; Figure 1; column 4, lines 56-65).

Tonella fails to disclose wherein the adjusting means adjusts the $Dvol[j]$ on a higher priority than the $Doffset$ (microprocessor; 140; Figure 1).

Hermann discloses adjusting a volume according to a higher priority (column 3, lines 38-47).

It would have been obvious to modify Tonella so that the volume is adjusted according to a higher priority as taught by Hermann so that the sound level can be adjusted according to a user's preference.

Regarding claim 3, Tonella as modified by Hermann discloses wherein when the common volume level Dcom[j] transmitted from the remote controller is a predetermined mute level, a present offset value Doffset is saved and the common volume level Dcom[j] is decreased to a predetermined level.(column 3,lines 4-11discloses that the input unit 150 enables a user to switch a loudness effect on or off and off would read on mute and decreasing the volume level; column 4, lines 40-66) .

11. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tonella (US 5,883,963) in view of Hermann (US 6,360,187) in further view of Turnbull et al. (US 6,980,092).

Regarding claim 2, Tonella as modified by Hermann discloses means for previously transmitting a sum of the unique volume level Dvol[j] and the offset value. Tonella as modified fails to disclose transmitting to the remote control. Turnbull discloses transmitting to a remote control (column 5, lines 15-19). It would have been obvious to modify Tonella as modified by Hermann to transmit to the remote so that the remote will have the most recent processed data.

7. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tonella (US 5,883,963) in view of Hermann (US 6,360,187) in further view of Mayuzumi (US 2002/0052182) .

Regarding claim 5 Tonella as modified by Herman discloses a plurality of sources and that one of the sources could be a radio receiver (column 2, lines 41-45). Tonella as modified fails to disclose explicitly wireless transmission complying to a

Bluetooth standard. Wireless transmission according to Bluetooth standard is well known in the art as taught by Mayuzumi. Mayuzumi discloses radio communications with the remote controller complying with a Bluetooth standard (pag3, paragraph 0046). It would have been obvious to modify Mayuzumi so that radio communications with remote controller comply with a Bluetooth standard so that a plurality of devices can be easily interconnected and so that the user can have all mobile and fixed devices coordinated.

Claim Objections

8. Claim 4 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Devona E. Faulk whose telephone number is 571-272-7515. The examiner can normally be reached on 8 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on 571-272-7848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Devona E. Faulk/

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/Vivian Chin/

Supervisory Patent Examiner, Art Unit 2615